

**Notice of Allowability****Application No.**

10/849,291

**Applicant(s)**

DEVENNEY ET AL.

**Examiner**

/Laura S. Weiner/

**Art Unit**

1795

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-27-08.
2. ☒ The allowed claim(s) is/are 6-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20080903.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Fleischut on September 2, 2008.

The application has been amended as follows:

### IN THE CLAIMS

Please substitute these claims for the present claims.

1- 5. canceled.

6. (previously presented) The catalyst of claim 7 wherein indium is at a concentration that is between about 5 and about 50 atomic percent.

7. (currently amended) A catalyst for use in oxidation or reduction reactions, the catalyst comprising platinum in a concentration between about 5 and about 65 atomic percent, indium in a concentration between about 5 and about 80 percent, and at least one of tungsten, iron, and manganese wherein tungsten, iron, manganese, or a combination thereof is at a concentration that is between about 10 and about 85 atomic percent.

8. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 5 and about 60 atomic percent, and indium is at a concentration that is between about 5 and about 50 atomic percent.

9. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 10 and about 50 atomic percent, indium is at a concentration that is between about 10 and about 40 atomic percent, and tungsten, iron, manganese, or a combination thereof is at a concentration that is between about 20 and about 70 atomic percent.

10. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 10 and about 30 atomic percent, indium is at a concentration that is between about 5 and about 30 atomic percent, and tungsten is present in the catalyst at a concentration that is between about 40 and about 80 atomic percent.

11. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 50 and about 60 atomic percent, indium is at a concentration that is between about 20 and about 30 atomic percent, and tungsten is present in the catalyst at a concentration that is between about 15 and about 25 atomic percent.

12. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 25 and about 65 atomic percent, indium is at a concentration that is between about 5 and about 50 atomic percent, and iron is at a concentration that is between about 10 and about 60 atomic percent.

13. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 30 and about 50 atomic percent, indium is at a

concentration that is between about 15 and about 45 atomic percent, and iron is present in the catalyst at a concentration that is between about 15 and about 50 atomic percent.

14. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 45 and about 55 atomic percent, indium is at a concentration that is between about 20 and about 30 atomic percent, and iron is present in the catalyst at a concentration that is between about 20 and about 30 atomic percent.

15. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 10 and about 50 atomic percent, indium is at a concentration that is between about 5 and about 30 atomic percent, iron is present in the catalyst at a concentration that is between about 15 and about 80 atomic percent, and manganese is present in the catalyst at a concentration that is between about 1 and about 15 atomic percent.

16. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 30 and about 45 atomic percent, indium is at a concentration that is between about 15 and about 30 atomic percent, iron is present in the catalyst at a concentration that is between about 20 and about 45 atomic percent, and manganese is present in the catalyst at a concentration that is between about 3 and about 12 atomic percent.

17. (currently amended) The catalyst of claim —4— 7 wherein platinum is at a concentration that is between about 10 and about 50 atomic percent, indium is at a concentration that is between about 10 and about 80 atomic percent, and manganese is present in the catalyst at a concentration that is no more than about 60 atomic percent.

18. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 20 and about 40 atomic percent, indium is at a

concentration that is between about 40 and about 70 atomic percent, and manganese is present in the catalyst at a concentration that is between about 5 and about 40 atomic percent.

19. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 25 and about 35 atomic percent, indium is at a concentration that is between about 50 and about 70 atomic percent, and manganese is present in the catalyst at a concentration that is between about 10 and about 30 atomic percent.

20. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 25 and about 65 atomic percent, indium is at a concentration that is no more than about 55 atomic percent, tungsten is present in the catalyst at a concentration that is no more than about 40 atomic percent, and manganese is present in the catalyst at a concentration that is no more than about 40 atomic percent.

21. (previously presented) The catalyst of claim 7 wherein platinum is at a concentration that is between about 35 and about 55 atomic percent, indium is at a concentration that is between about 10 and about 40 atomic percent, tungsten is present in the catalyst at a concentration that is between about 10 and about 30 atomic percent, and manganese is present in the catalyst at a concentration that is between about 10 and about 30 atomic percent.

22 - 33. canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Laura S. Weiner/ whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura S Weiner/  
Primary Examiner  
Art Unit 1795

September 3, 2008